

110TH CONGRESS
2D SESSION

H. R. 5435

To address the digital television transition in border states.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2008

Ms. SOLIS (for herself, Mr. RODRIGUEZ, and Mrs. CAPPS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To address the digital television transition in border states.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “DTV Border Fix Act”.

5 **SEC. 2. CONTINUATION OF ANALOG BROADCASTING ALONG**

6 **COMMON BORDER WITH MEXICO.**

7 Section 309(j)(14) of the Communications Act of
8 1934 (47 U.S.C. 309(j)(14)) is amended by adding at the
9 end the following:

10 “(D) CONTINUATION OF ANALOG BROAD-
11 CASTING ALONG COMMON BORDER WITH MEX-
12 ICO.—

1 “(i) IN GENERAL.—Notwithstanding
2 any other provision of this section, any tel-
3 evision station that has been granted a
4 full-power television broadcast license that
5 authorizes analog television service prior to
6 February 17, 2009, that is licensed by the
7 Commission to serve communities located
8 within 50 miles of the United States com-
9 mon border with Mexico, and that can es-
10 tablish to the satisfaction of the Commis-
11 sion that such station’s continued broad-
12 casting of television service in analog is in
13 the public interest, shall during the period
14 beginning on the date of enactment of the
15 DTV Border Fix Act, and ending Feb-
16 ruary 17, 2014—

17 “(I) be entitled to the renewal of
18 such station’s television broadcast li-
19 cense authorizing analog television
20 service; and

21 “(II) operate such television serv-
22 ice on a channel between 2 and 51.

23 “(ii) CONDITIONS.—The rights, privi-
24 leges, and obligations described under

1 clause (i) shall only be extended if the fol-
2 lowing requirements are satisfied:

3 “(I) Any channel used for the
4 distribution of analog television serv-
5 ice shall not—

6 “(aa) prevent the auction of
7 recovered spectrum pursuant to
8 paragraph (15);

9 “(bb) prevent the use of re-
10 covered spectrum for any public
11 safety service pursuant to section
12 337(a)(1); and

13 “(cc) encumber or interfere
14 with any channel reserved for
15 public safety use, as such chan-
16 nels are designated in ET Docket
17 No. 97–157.

18 “(II) Each station described in
19 clause (i) operates on its assigned
20 analog channel, as of February 16,
21 2009, if such channel—

22 “(aa) is between 2 and 51;

23 “(bb) has not previously
24 been assigned to such station or
25 any another station for digital

1 operation after the digital transi-
2 tion required under subparagraph
3 (A); and

4 “(cc) could be used by such
5 station for broadcasting analog
6 television service after the digital
7 transition required under sub-
8 paragraph (A) without causing
9 interference to any previously au-
10 thorized digital television sta-
11 tions.

12 “(III) If such station does not
13 meet the requirements under sub-
14 clause (II) for operation on its as-
15 signed analog channel, as of February
16 16, 2009, such station may request,
17 and the Commission shall promptly
18 act upon such request, to be assigned
19 a new channel for broadcasting analog
20 television service, provided that such
21 newly requested channel shall—

22 “(aa) be between channels 2
23 and 51; and

1 “(bb) allow such station to
2 operate on a primary basis with-
3 out causing interference to—

4 “(AA) any other analog
5 or digital television station;
6 or

7 “(BB) any station li-
8 censed to operate in any
9 other radio service that also
10 operates on channels be-
11 tween 2 and 51.

12 “(iii) MUTUALLY EXCLUSIVE APPLICA-
13 TIONS.—If mutually exclusive applications
14 are submitted for the right to use a chan-
15 nel in order to broadcast analog television
16 service pursuant to this subparagraph, the
17 Commission shall—

18 “(I) award the authority to use
19 such channel for such purpose
20 through the application of the proce-
21 dures established under this section;
22 and

1 “(II) give due consideration to
2 any resolution procedures established
3 by the Commission.”.

○